

**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office DEC 13 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed DEC 13 2004

The applicant **Joseph C. Cumming and Kristi A. Cumming, Co-Trustees of the Joseph and Kristi Cumming Family Trust.** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **4.50 cfs** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Irrigation purposes**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated **265.00 acres**
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **SE¹/₄ NE¹/₄ of Section 23, T.30N., R.56E., M.D.B.&M., at a point from which the Southwest corner of said Section 23, bears S 54° 57' 44" W, 5878.57 feet.**
6. Place of Use **N¹/₂ NE¹/₄ of Section 23, N¹/₂ N¹/₂, N¹/₂ S¹/₂ NW¹/₄ of Section 24, all in T.30N., R.56E., M.D.B.&M.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Drilled well, pump motor, pipe lines and pivots.**
9. Estimated cost of works **\$10,000.00**
10. Estimated time required to construct works **3 years**
11. Estimated time required to complete the application of water to beneficial use **5 years**
12. Remarks:

High Desert Engineering
By s/ **Robert E. Morley**
640 Idaho Street
Elko, Nevada 89801

Compared aem/sam lt/gkl

Protested 3/18/05 by: Pershing Co. Conservation Dist.
Pro. Overruled 3-8-06 See Ruling #5570

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.5 cubic feet per second, not to exceed 795.0 acre-feet annually, and not to exceed a yearly duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

April 4, 2008

Proof of completion of work shall be filed on or before:

May 4, 2008

Water must be placed to beneficial use on or before:

April 4, 2011

Proof of the application of water to beneficial use shall be filed on or before:

May 4, 2011

Map in support of proof of beneficial use shall be filed on or before:


May 4, 2011

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 4th day of April A.D. 2006


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____